IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1190/2005

TARA CHAND & ANR. Vs. STATE OF RAJASTHAN

DATE: 14.03.2007.

HON'BLE MR. K.S. RATHORE, J.

None present for the accused-petitioners.
Mr. B.S. Chhaba, Public Prosecutor for the State.
Mr. S.C. Sharma for the complainant.

****

The instant criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioners against the order dated 25.08.2005 passed by the Additional Sessions Judge (Fast Track), Bandikui Camp Lalsot, District Dausa in Sessions Case No. 52/2004, by which charges have been framed against the accused-petitioners for the offence under Sections 341, 392, 302 IPC in the alternative 302/34 IPC.

The accused-petitioners have challenged the said impugned order dated 25.08.2005 on the ground that from the evidence collected by the prosecution during investigation, no offence is made out against the accused-petitioners. There is no eye-witness to the incident and in the FIR there is an allegation that

Jagannath is the person who had informed that deceased corpse of Pappu was lying on the road in front of the house of the petitioners whereas he has not ascribed himself to be the eye-witness. It is further submitted that the petitioners have advanced a loan of Rs. 1,23,000/- to the deceased and on asking for repayment he consumed some poisonous substance and died. In these circumstances, no offence is made out against the accused-petitioners.

Having heard learned counsel for the complainant and learned Public Prosecutor for the State and after carefully gone through the relevant record as also the impugned order, as prima-facie case is made out against the accused-petitioners for an offence under Sections 341, 392, 302 IPC in the alternative 302/34 IPC and at the stage of framing of charge the Court below has only to see whether prima-facie charge is made out against the accused or not? it is not the stage where evidence is required to be appreciated. If the petitioners have got a good case they have liberty to adduce evidence to this effect as averred in the revision petition, but in any case at this stage while exercising revisionary powers this Court cannot appreciate the evidence.

It is also given out by the learned counsel for the complainant that the trial of the case is in progress. In these circumstances, I find no illegality or error in the impugned order dated 25.08.2005 passed by the Court below and the same requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/